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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,491	11/13/2001	Christopher J. Feola	052663/325792	5649
826	7590	10/01/2007		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/008,491

Applicant(s)

FEOLA ET AL.

Examiner

El Hadji M. Sall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-19,22 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-19, 22 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the request for continued examination filed on July 23, 2007. Claims 1, 2, 10, 17, 18, 22 and 38 are amended. Claims 3, 20-21 and 23-37 are cancelled. Claims 38-40 are added. Claims 1, 2, 4-19, 22 and 38-40 are pending. Claims 1, 2, 4-19, 22 and 38-40 represent content operating system.

2. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-19, 22 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. 6,421,733 in view of Kent U.S. 20020040374.

Tso teaches the invention substantially as claimed including system for dynamically transcoding data transmitted between computers (see abstract).

As to claims 1, 17 and 38, Tso teaches a system and method for providing content for distribution over channels to a plurality of different types of channels, said system and said method comprising:

a content object including the content to be provided over the plurality of different channels (column 3, lines 10-14; column 9, lines 34-39, Tso discloses a web site, which users from a particular region can access to (i.e. inherently "over the plurality of different channels"));

preparing content for communication across Internet and non-Internet channels for publication by Internet and non-Internet terminals (figure 3, Tso discloses a browser connected to the transcoding server through a link 14 (i.e. "non-Internet channel"), and through link 16 to the Internet).

at least one container object operable to receive said content object and template the prepared content to meet a certain publishing environment specified by a publisher of the content (column 7, line 60 to column 8, line 4); and

a communication system for communicating the prepared and template and content objects over the Internet and non-Internet channels to the Internet to the non-Internet terminals connected thereto (figure 3).

Tso fails to teach explicitly the content is prepared in the first way and the second way such that the content remains the same or substantially the same as its original form.

However, Kent teaches method for personalizing and customizing publications and customized publications produced thereby. Kent teaches a plurality of rule objects to apply rules to said content object to prepare the content in a first way both for communication over an Internet channel to an Internet terminal and for publication by the Internet terminal connected to the Internet channel and prepare the content in a second way both for communication over a non-Internet channel to a non-Internet terminal and for publication by the non-Internet terminal connected to the non-Internet channel, wherein the content is prepared in the first way and the second way such that the content remains the same or substantially the same as its original form (figure 1, Kent discloses an Internet channel (i.e. item 14, an Internet terminal, items 10 and 15, a non-Internet channel, items 17 and 30, and a non-Internet terminal, item 34. It is inherent that the content is prepared in the first way (i.e. from PC 10 through the Internet 14) and the second way (i.e. through non-Internet channels 17 and 30) such that the content remains the same or substantially the same as its original form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tso in view of Kent to provide a plurality of rule objects to apply rules to said content object to prepare the content in a first way both for communication over an Internet channel to an Internet terminal and for publication by the Internet terminal connected to the Internet channel and prepare the content in a

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second way both for communication over a non-Internet channel to a non-internet terminal and for publication by the non-Internet terminal connected to the non-Internet channel, wherein the content is prepared in the first way and the second way such that the content remains the same or substantially the same as its original form. One would be motivated to do so to allow production of customized magazine (page 3, [0036]).

As to claims 2 and 40, Tso teaches the system according to claims 1 and 38.

Tso fails to teach explicitly the non-Internet channels include at least one of a video channel or a print channel.

However, Kent teaches explicitly the non-Internet channels include at least one of a video channel and a print channel (figure 1, item 17 (i.e. video channel), item 30 (i.e. print channel), and item 15 (i.e. video display terminal)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tso in view of Kent to provide the non-Internet channels include at least one of a video channel or a print channel. One would be motivated to do so to allow outputting video.

As to claim 4, Tso teaches the system according to claim 1, wherein said content object includes at least one of the following: text, graphics, image, video or sound (column 4, lines 51-54).

As to claim 5, Tso teaches the system according to claim 1, wherein each rule object includes at least one rule distinct from other rule objects (column 6, lines 64-67).

As to claim 6, Tso teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific channel for which the associated rule object is associated (column 7, lines 4-7).

As to claim 7, Tso teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific terminal for which the associated rule object is associated (column 7, lines 7-12)

As to claim 8, Tso teaches the system according to claim 5, further comprising a channel object operable to receive said content object as prepared by said container object (figure 1).

As to claim 9, Tso teaches the system according to claim 8, wherein said channel object defines a channel of distribution over the network (figure 3).

As to claim 10, Tso teaches the system according to claim 8, wherein said channel object includes at least one of the following channels: Internet, wireless, cellular, or satellite (figure 1, item 18).

As to claim 11, Tso teaches the system according to claim 8, wherein the at least one rule defines a process for which said content object is subject to for distribution over a particular channel (column 8, lines 4-9; column 12, line 67 to column 13, line 11).

As to claim 12, Tso teaches the system according to claim 11, wherein the process includes reducing the amount of data to be distributed (column 8, lines 22-26).

As to claim 13, Tso teaches the system according to claim 11, wherein the particular channel is predetermined by said content publisher (column 3, lines 14-17).

As to claim 14, Tso teaches the system according to claim 8, further comprising a directory lookup service for assigning said content object to at least one rule and at least one container object (column 10, lines 16-27).

As to claim 15, Tso teaches the system according to claim 9, further comprising an object broker (figure 3, item 34).

As to claim 16, Tso teaches the system according to claim 8, wherein the preparation by the at least one container object includes applying a template to said content object for display (column 7, line 60 to column 8, line 4).

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As to claims 18, Tso teaches the method and system according to claim 17, further comprising templating the prepared content in accordance with a publishing environment specified by a content provider (column 7, line 60 to column 8, line 4).

As to claims 19 and 39, Tso teaches the method and the system according to claims 17 and 38.

Tso fails to teach explicitly the non-Internet channel is a newspaper print publication channel and the non-Internet terminal is a newspaper printer.

However, Kent teaches the non-Internet channel is a newspaper print publication channel and the non-Internet terminal is a newspaper printer (figure 1, item, item 30 (i.e. "print publication channel", and item 34 (i.e. "newspaper printer").

It would have been obvious to one of ordinary skill in the art to combine Tso in view of Kent to provide the non-Internet channel is a newspaper print publication channel and the non-Internet terminal is a newspaper printer. One would be motivated to do so to allow intranet network.

As to claim 22, Tso teaches the method according to claim 17, wherein the content includes more than one of the following: text, graphics, image, video, or audio (column 3, lines 51-54).

4. Response to Arguments

Applicant's arguments filed 07/23/07 have been fully considered but they are not persuasive.

(A) As to claims 1, and 17, Applicants argue that neither Tso or Kent does not each or suggest preparing content for communication across Internet and non-Internet channels for publication by Internet and non-Internet terminals, let alone preparing the content for Internet and non-Internet channels and terminals in such a way that the content remains the same or substantially the same as its original form..

In regards to point (A), examiner respectfully disagrees.

Figure 1, Kent discloses an Internet channel (i.e. item 14, an Internet terminals, items 10 and 15, a non-Internet channels, items 17 and 30, and a non-Internet terminal, item 34. The content is prepared in the first way (i.e. from PC 10 through the Internet 14) and the second way (i.e. through non-Internet channels 17 and 30) such that the content remains the same or substantially the same as it original form.

Paragraph [0036], Tso discloses the above components permit the user's PC 10 to interact with the publisher's server 13 to create the customized magazine (i.e. "content") of the present invention. Once the user has interacted with the server 13 at the publisher's site to create her own customized publication, the publisher's server 13 can assemble necessary content and advertising to create the custom-content publication of the present invention. This custom content is then output through a communication means 13 to a digital printer 34, that may be at the publisher's location,

subscriber's location, or at a distant printing facility. A digital printer 34 prints the customized magazine (i.e. "the content remains the same").

(B) As to claim 38, Applicants argue that Tso does not teach or suggest both Internet-based and non-Internet based distribution and/or publication, let alone any particular arrangement or the plurality or distribution channels and/or terminals. Furthermore, FIG. 1 of Kent discloses a serial arrangement, wherein the alleged distribution channels are a telephone line (12), the Internet (14), and communication means (17, 30). Thus, the user accesses the publisher's content via the telephone line and Internet in order to create a publication to be output to a digital printer via the communication means. Clearly, each of the distribution channels and terminals are arranged in series to one another, which is unlike independent claim 38 where the distribution channels are arranged in parallel to one another. Accordingly, neither Tso nor Kent, taken alone or in combination, teaches or suggests independent claim 38.

In regards to point (B), examiner respectfully disagrees:

Figure 3, Tso discloses a browser connected to the transcoding server through a link 14 (i.e. "non-Internet channel"), and through link 16 to the Internet.

According to Applicants' argument that each of the distribution channels and terminals are arranged in series to one another, which is unlike independent claim 38 where the distribution channels are arranged in parallel to one another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kent to provide distribution channels arranged in parallel to one another.

In response to applicants' argument that neither Tso nor Kent, taken alone or in combination, teaches or suggests independent claim 38, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

5.

Conclusion

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

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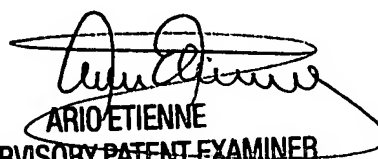
relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
Patent Examiner
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